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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,097	03/29/2001	Joan Phillips Waldron	03456-P0001B	2224
7590	03/26/2004			EXAMINER CHIANG, JACK
Jeffrey B Trattner Ellis & Trattner PC PO Box 2298 27 Mill Plain Road Danbury, CT 06813-2298			ART UNIT 2642	PAPER NUMBER 12
DATE MAILED: 03/26/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	09/821097	Applicant(s)	Waldron et al.
Examiner	J. Chiang	Group Art Unit	2642

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address--

### Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

Responsive to communication(s) filed on 3-29-01.

This action is FINAL.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

### Disposition of Claims

Claim(s) 1-23 is/are pending in the application.

Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) 3, 10-11, 17-20, 14-15, 22-23 is/are allowed.

Claim(s) 1-2, 4-9, 12-13, 16, 21 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

### Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_  Interview Summary, PTO-413

Notice of References Cited, PTO-892  Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948  Other \_\_\_\_\_

## Office Action Summary

## CLAIMS

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 are rejected under 35 U.S.C. 102(b) as being anticipated by Gomi (JP 58-31647).

Regarding claim 1, Gomi shows:

A hearing aid and its picking coil (see English translation in Abstract);

A handset (21) having a receiver/speaker section (location of 3);

A coupler coil (5) which is inside the receiver section (see 21) and in electrical connection with the audio signals (see fig. 3) to generate an audio electromagnetic field, this electromagnetic field is being inductively coupled through the wall of the handset (21) to the coil inside the hearing aid.

3. Claims 1, 9, 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi (JP 363102495).

Regarding claim 1, Kobayashi shows:

A hearing aid and its picking coil (see English translation);

A handset (3) having a receiver/speaker section (1);

A coupler coil (2) which is inside the receiver section (see 3) and in electrical connection with the audio signals (6) to generate an audio electromagnetic field, this electromagnetic field is being inductively coupled through the wall of the handset (3) to the coil inside the hearing aid.

Regarding claim 16, Kobayashi shows:

A coil (2) and a coil core (7) which are inside a receiver section (see 1) of a handset (3) for connection to a speaker (1) so as to provide an inductive field that can be coupled through the handset (3) to a coil inside a hearing aid (see English translation);

Regarding claims 9, 12, Kobayashi shows:

the coil (2) which has turns of a rectangular wire (see U-shaped cross section);  
the carrier disc (7).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi in view of Althuber (EP 565181).

Regarding claim 2, Kobayashi shows the connection of the coil and the speaker.

Kobayashi differs from the claimed invention in that it is not in series connection.

However, Althuber show a coil (20) which is in series connection with the speaker (speaker coil 18).

Hence, the concept of providing the audio signals on the coil is well taught by Kobayashi, therefore, it would have been obvious for one skilled in the art to connect the coil and the speaker in series as taught by Althuber, this simply can be considered as a variation of Kobayashi, as long as the basic concept of accessing the audio signals is substantially unchanged.

6. Claims 4-8, 13, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi.

Regarding claims 4-8, 13, 21, Kobayashi shows the coil and the core (2, 7).

Kobayashi differs from the claimed invention in that it does not explicitly mention about the materials for the core, such as a metallic, iron etc..

However, from various materials used in the present application, it can be seen that there is no teaching of criticality for one type of material over another. Therefore, it would have been obvious for one skilled in the art to these well known materials when winding the coil, as long as the basic concept of generating the electromagnetic field is unchanged.

Further, phones having circuit board is common, such as mounting the speaker on the circuit board, this is well known in the phone art and therefore is obvious for one skilled in the art.

7. Claims 3, 10-11, 17-20, 14-15, 22-23 are allowed over the prior art of record because the series connection of the capacitor with the coil in the handset and hearing aid coupling environment.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 703-305-4728. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JACK CHIANG  
PRIMARY EXAMINER